

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

OP.No. 7775 of 2002(A)

PETITIONER:

ABDUL NISSAR, AGED 30 YEARS,
S/O.SHAHUL HAMEED, VAYALIRAM PURAYIDOM,
PATHANAPURAM P.O.,KALANJOOR.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
MOTOR VEHICLES DEPARTMENT, THIRUVANANTHAPURAM.
2. JOINT REGIONAL TRANSPORT OFFICER,
PUNALUR.
3. DEPUTY TAHSILDAR (RR), TALUK OFFICE,
PATHANAPURAM, PUNALUR.
4. NISSMUDDHIN, S/O.SHAKEER KHAN,
CHERUVILA PUTHEN VEEDU, VALAKKOD,
PATHANAPURAM.

BY ADV.SMT.R.BINDU, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.No. 7775/2002

ORDER ON CMP 13975/2002 IN O.P.No. 7775/2002

DISMISSED.

20/03/2007

SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON I.A.No.13735/2005 IN O.P.No. 7775/2002

DISMISSED.

20/03/2007

SD/- (C.N.RAMACHANDRAN NAIR, JUDGE).

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE AGREEMENT DATED 08/03/1998 ENTERED INTO BETWEEN THE PETITIONER AND the 4TH RESPONDENT.

P2 : COPY OF THE FIR NO. 94/98 DATED 18/2/98 OF PATHANAPURAM POLICE STATION.

P3 : COPY OF THE RECEIPT NO. 1688/99 DATED 06/04/1988 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

P4 : COPY OF THE ACKNOWLEDGEMENT DATED 06/04/1999 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.

P5 : COPY OF THE PAPER REPORT APPEARED IN MALAYALA MANORAMA DAILY DATED 27/3/2000.

P6 : COPY OF THE FIR NO. 178/2000 DATED 24/3/2000 OF VADAKARA POLICE STATION.

P7 : COPY OF THE NOTICE NO.C1/KL-07/E-6874/2001/FIR DATED 09/07/2001 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

P8 : COPY OF THE NOTICE NO.C2/KL-07/E-6874/2001/FIR DATED 09/07/2001 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

P9 : COPY OF the LAWYER NOTICE DATED 28/7/2000 ISSUED TO THE 2ND RESPONDENT.

P10 : COPY OF THE NOTICE NO.C3-9597/01 DATED 24/11/2001 ISSUED by the 3RD RESPONDENT.

P11 : COPY OF THE NOTICE NO.C3/4175/05 DATED NIL ISSUED BY THE 3RD RESPONDENT.

// TRUE COPY //

jg

PA TO JUDGE.

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 7775 of 2002 A

Dated, this the 20th day of March, 2007

J U D G M E N T

Petitioner's Truck, bearing Reg. No. KL-7/E 6874, was sold on 16/03/1998. However, the vehicle was said to be stolen and since the petitioner continues to be the registered owner, tax was demanded from the petitioner. Petitioner's case is that petitioner filed Form G declaration for exemption from payment of tax vide Ext.P4, which are not disposed of by the RTO. Obviously, since the vehicle was stolen, Form G will not contain the garage of the vehicle, as the applicant was unaware of as to where the vehicle is. If vehicle was stolen, then of course it is entitled to exemption until when it is traced out and restored to the petitioner. The RTO is therefore directed to adjudicate Exts. P3 & P4, which are filed by the petitioner before him, after taking into account FIR and other records pertaining to theft of vehicle. RTO is also directed to hear the petitioner before final orders are passed on Exts.P3 & P4. The stay against recovery proceedings will continue for two months from today and further recovery will be based on the orders of the RTO.

This Original petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)